



CPED STAFF REPORT

Prepared for the Board of Adjustment

BOA Agenda Item #2
June 19, 2014
BZZ-6560

LAND USE APPLICATION SUMMARY

Property Location: 3721 39th St W
Project Name: New Home
Prepared By: Joseph.Giant@minneapolismn.gov, City Planner, (612) 673-3489
Applicant: Nesbitt Coburn
Project Contact: Nesbitt Coburn
Request: To construct a new single-family dwelling on an existing foundation.
Required Applications:

Variance	<ul style="list-style-type: none">Variance to reduce the established front yard setback along Ewing Ave S from 40 feet to 38 feet, measured to the structure.
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SITE DATA

Existing Zoning	RIA Single-Family District
Lot Area	7,424 square feet / 0.17 acre
Ward(s)	13
Neighborhood(s)	Linden Hills
Designated Future Land Use	Urban Neighborhood
Land Use Features	NA
Small Area Plan(s)	NA

Date Application Deemed Complete	June 4, 2014	Date Extension Letter Sent	NA
End of 60-Day Decision Period	August 4, 2014	End of 120-Day Decision Period	NA

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property is a 7,424 square foot lot located at the southeast corner of Ewing Ave S and 39th St W in the R1A Single-Family District. The property has 58.5 linear feet of frontage along Ewing Ave S and 128.5 linear feet of frontage along 39th St W. A one-story home with a gross floor area of 956 square feet constructed in 1953, currently exists on the property. A 250 square foot garage exists along the alley in the rear of the lot.

Although the lot is platted towards Ewing Ave S, the principal entrance of the existing home faces 39th St W. The existing home is set back 24 feet from this property line, giving the impression that this is the front yard. However, due to the original platting of the lot, this frontage is actually treated as a corner side lot line. Consequently, any new development would therefore be subject to only an 8-foot corner side yard setback along 39th St W.

The home is subject to a 40-foot established front yard setback along Ewing Ave S. However, the existing home is located 38 feet from the Ewing Ave property line. Thus, it encroaches into the established front yard setback by 2 feet. As a result, the Ewing Ave façade cannot be extended along the same vertical or horizontal plane without a variance to the established front yard setback.

The required interior side yard setback in the R1A district is 5 feet. The current structure is 5 feet from the southern property line.

The topography of the property varies by several feet. The front half of the property is mostly level, but gradually slopes downward slope beginning at approximately the midpoint of the lot.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The subject property is located in in the Linden Hills neighborhood in southwest Minneapolis. The predominant land use in the vicinity is low-density single-family homes, although several two-family dwellings exist on the block diagonally across the intersection from the subject site. These two-family dwellings are in the R2B zoning district. The properties on the blocks surrounding the subject lot contain primarily 1-story and 1.5-story homes, although there are an increasing number of 2-story homes interspersed in the vicinity.

The principal structure on the adjacent property to the south is a one-story home with a gross floor area of approximately 1,008 square feet. The home is located 5 feet from the interior side property line shared with the subject property and 40 feet from the front property line. On the south side of the adjacent neighbor are two consecutive properties where new homes have been built recently. Until recently, these two properties had been combined as one zoning lot. In September 2013, the existing house on this lot was demolished and the lot was subdivided into two parcels. Subsequently, two new homes were built in early 2014 on the newly created lots. The two homes were constructed simultaneously by the same builder, and are effectively mirror images of one another. Both are two-story homes with a height of 28.5 feet, a gross floor area of 2,533 square feet, and an FAR of 0.49.

PROJECT DESCRIPTION. The subject property currently accommodates a 1-story single-family home. The applicant proposes to preserve the foundation of the existing home, construct a second story addition, and substantially alter the first floor. The footprint of the existing home will not be altered. However, the second story will cantilever over the existing porch on the 39th St facade. The proposed gross floor area (GFA) of the home is 2,003 square feet, resulting in an FAR of 0.27. The maximum FAR for a single-family home is 0.5.

According to 535.90(b), single-family homes must have a principal entrance facing the front lot line. Typically, the front lot line is determined by the platting of the lot rather than by the orientation of the existing structure. The lot is platted towards Ewing Ave S, so the proposed improvements will include an entrance on the Ewing Ave façade as well as a pathway connecting the door to the public sidewalk.

Because the existing structure is located 2 feet closer to the front lot line than the neighboring structure, the existing structure is nonconforming as to the established front yard setback. Adding a second story to the existing structure along the existing vertical plane would therefore not be permitted without a variance. In order to construct the project as proposed the applicant seeks a variance to reduce the established front yard setback from 40 feet to 38 feet, measured to the structure.

PUBLIC COMMENTS. Any correspondence received prior to the public meeting will be forwarded to the Board of Adjustment for consideration.

ANALYSIS

VARIANCE

In accordance with Chapter 525, Article IX Variances, Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations,” the Department of Community Planning and Economic Development has analyzed the application for variance based on the following findings:

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.***

The applicant is proposing to construct a two-story home on an existing foundation. The circumstances upon which the variance is requested are unique to the parcel of land due to the location of the adjacent neighbor’s house. The minimum front yard setback in the R1A District is 20 feet, but has been increased to 40 feet due to the location of the principal structure on the adjacent lot to the south.

The neighbor’s house is located slightly behind the typical front setback line established by the other homes on the block. An aerial photo of the established setback line can be found in the Additional Materials (the aerial photo was taken before the construction of the two new houses on the south side of the adjacent neighbor). According to 546.160(b), the proposed structure must observe a setback equal to or greater than an adjacent principal structure. If the neighbor’s house had been constructed along the same setback line as the other properties then a variance would not be needed. Staff finds that these circumstances create a practical difficulty that was not created by the applicant.

2. *The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.*

The proposed use is a single-family home with a detached garage. Single-family homes are a permitted use in the R1A district and are the primary land use in the surrounding area. The proposed home is consistent with the character of the area and the future land use map contained in the comprehensive plan.

According to Chapter 535.220 of the Minneapolis Code of Ordinances, the purpose of yard requirements is to provide for the orderly development and use of land and to minimize conflicts among land uses by governing the location of uses and structures. The proposed variance does not hinder orderly development nor does it create conflicts among land uses. The proposed structure complies with the 5-foot required interior side yard setback and is located 10 feet from the neighboring structure to the south. The foundation and location of the existing home will remain, so the proposed structure will be no closer to the front lot line or to the neighboring structure than the current structure.

The proposed home will be subject to Administrative Site Plan Review for Single-Family Dwellings. With a detached garage, basement, quality materials (composite siding), and a pitched roof, the home qualifies for 16 of 24 possible points for new homes, exceeding the minimum of 15. The floor-area ratio of the home is 0.27, well below the maximum of 0.5.

3. *The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.*

The proposed variance will not alter the character of the locality nor will it be injurious to the use or enjoyment of other property in the vicinity. Setbacks are required by the zoning code in order to create a consistent and predictable development pattern and to avoid development that may be obtrusive to neighboring properties. The proposed home will be 2 feet closer to the front property line than the adjacent neighbor to the south, and approximately the same distance to the front property line as other principle structures on the block face. The proposed home would be no closer to the front lot line than the existing structure.

The adjacent neighbor to the south has two transom windows on the façade facing the subject property. The addition of a second story will increase the visibility of the proposed structure through these windows. However, both the proposed structure and the neighboring structure meet the required 5-foot interior side yard setback. Thus, potential negative impacts resulting from decreased light and air would be comparable to the potential negative impacts resulting from by-right development. The subject property is the northernmost property on the block so the addition of a second story would not block the adjacent property's access to southern sunlight.

Due to the relatively large size of the lot compared to other properties in the R1A district, a home that is nearly twice the gross floor area as the proposed home could be constructed on the lot without a variance. Despite its adherence to the zoning ordinance, a home that maximizes the provisions of the ordinance could potentially be out of scale with the 1 and 1.5-story homes that comprise the majority of nearby homes.

The two homes recently constructed on the opposite side of the southern neighbor are examples of homes that have maximized the bulk regulations of the zoning code. These two new homes have nearly maximized the allowable square footage (both have an FAR of .49) and have taken advantage of grade changes in the rear half of the lot to include an elevated deck above an attached garage. The homes meet zoning requirements, but they are much larger than most other houses in the vicinity. The proposed home, in contrast, will reinforce the character of the locality by redeveloping a home that is similar in size, scale, age, and character to many homes in the vicinity.

The proposed structure includes an entrance facing Ewing Ave S. A principal entrance facing the front lot line connected to the public sidewalk with a paved pathway will reinforce the street wall and complete a development pattern exhibited by every other property on the block.

The applicants have expressed an interest in changing the 39th St address to a Ewing Ave address. While not compulsory, converting to a Ewing Address would bring the property into compliance with the City's addressing standards. One of the primary goals of the addressing standards is to facilitate the dispatching of emergency services by having addresses based upon north/south avenues rather than east/west streets.¹

Granting the variance would have no impact on the congestion of area streets.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development for the Variance:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **approve** the application for variance at 3721 39th Street West to reduce the established front yard setback along Ewing Ave S from 40 feet to 38 feet, measured to the structure, subject to the following conditions:

1. CPED review and approve final site plan, floor plans, and elevations;
2. All site improvements shall be completed by June 19th, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

¹ Minneapolis Street Naming and Address Standard. VI.2I

http://www.minneapolismn.gov/www/groups/public/@council/documents/webcontent/convert_285530.pdf

ATTACHMENTS

1. Zoning map
2. Written description and findings submitted by applicant
3. Letter to Ward 13
4. Letter to Linden Hills Neighborhood Council
5. Land survey
6. Site plan
7. House plans and building elevations
8. Photos of site
9. Color elevations
10. Similar house
11. Aerial photo showing front setbacks
12. Correspondence